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Letter dated 31 October 2006 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached 6th report of Argentina submitted pursuant to paragraph 6 of resolution 1373 (2001), as well as Argentina's response to resolution 1624 (2005) (see annex). I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Ellen Margrethe **Løj**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

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Annex

Note verbale dated 26 October 2006 from the Permanent Mission of Argentina to the United Nations addressed to the Chairman of the Counter-Terrorism Committee

[Original: Spanish]

The Permanent Mission of the Argentine Republic to the United Nations presents its compliments to the Office of the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) (Counter-Terrorism Committee) and has the honour to attach the report prepared by the Argentine Republic in response to note S/AC.40/2006/OC.130 of 28 April 2006.

Enclosure

Report of the Argentine Republic in response to the note of 28 April 2006

In her note S/AC.40/2006/OC.130 of 28 April 2006 the Chairman of the United Nations Security Council Committee established pursuant to resolution 1373 (2001) (Counter-Terrorism Committee) transmitted to the Government of the Argentine Republic comments and questions raised by the previous report which was submitted by Argentina pursuant to paragraph 6 of the resolution and issued as document S/2005/479. These comments and questions relate to existing legislation, draft legislation and the implementation of operational measures pertaining to the implementation of resolutions 1373 (2001) and 1624 (2005).

Below are the replies to the Committee's questions, in the order established in the note.

1. Implementation measures

1.1 In the fifth report (p. 3), Argentina states that new legislation on various counter-terrorism measures is pending. The Committee would appreciate an update on the status of the following:

- **The draft legislation amending article 277 of the Penal Code (on concealment)**
- **Article 278 of the Penal Code (on money-laundering)**

In accordance with the recommendations previously made to the Argentine Republic by the Financial Action Task Force on Money Laundering (FATF), due note should be taken of the text of Act No. 26,087 (promulgated on 21 April 2006 and published in Official Gazette No. 30,891 of 24 April 2006), which amended articles 277 and 278 of the Penal Code. Under this amendment, the exceptions provided for the offence of concealment (art. 277), in respect of persons who act on behalf of their spouse, relative, close friend or a person to whom a special favour is owed, are not applicable to the offence of money-laundering (art. 278). As amended, the articles of the Penal Code read as follows:

"Article 277

1. A prison sentence of six months to three years shall be imposed upon any person who, following the commission of an offence by another person, in which he did not participate,

(a) Helps someone to avoid official investigations or to escape from the authorities;

(b) Conceals, alters or disposes of the traces, evidence or instruments of the offence, or assists the offender with or participates in their concealment, alteration or disposal;

(c) Acquires, receives or conceals money, items or effects derived from an offence;

(d) Fails to report the commission of an offence or to identify the perpetrator of or participant in a known offence, when he was obligated to assist in the criminal prosecution of such an offence;

(c) Secures, or assists the offender in or participates in the securing of the product or proceeds of the offence.

2. In the case covered by paragraph 1 (c) above, the minimum penalty shall be a prison sentence of one month if, in the circumstances, the person had reason to suspect that the money, items or effects were the proceeds of an offence.

3. The minimum and maximum penalties shall be doubled when:

(a) The original act was a particularly serious offence, i.e. one for which the minimum penalty is a prison sentence exceeding three years;

(b) The person acts with intent to make a profit;

(c) The person habitually commits acts of concealment;

(d) The person is a public official.

The increased penalties provided for in this paragraph shall apply once only, even if more than one of the qualifying circumstances is present. In this case, the court may take into account the multiplicity of grounds when determining the sentence.

4. Persons who have acted on behalf of their spouse, a relative no further removed than the fourth level of consanguinity or second level of kinship, a close friend, or a person to whom a special favour is owed shall be exempt from criminal liability. The exemption shall not apply to the cases covered by paragraph 1 (e) and paragraph 3 (b) and (c)."

"Article 278

1. (a) A prison sentence of 2 to 10 years and a fine of 2 to 10 times the amount of the transaction shall be imposed upon any person who converts, transfers, manages, sells, profits from or uses in any other manner sums of money or other assets derived from an offence in which he did not participate, in such a manner that the original assets or derived assets may as a result appear to be of legal origin, provided that their value exceeds the sum of 50,000 pesos, either by a single act or by the repetition of various interrelated acts;

(b) The minimum penalty shall be five years' imprisonment if the offender commits the act habitually, or as a member of an association or group created for the purpose of committing acts of this nature on a continuous basis;

(c) If the value of the assets does not exceed the sum indicated in paragraph 1 (a), the offender shall be penalized in accordance with the rules of article 277.

2. Paragraph eliminated by Decree No. 370/00.

3. Persons who receive money or other assets of criminal origin with the aim of using them in a transaction which may make them appear to be of legal origin shall be penalized in accordance with the rules of article 277.

4. The objects relating to the offence described in paragraphs 1, 2 and 3 of this article may be confiscated.

5. The exemption established in paragraph 4 of article 277 shall not be applicable to any of the circumstances provided for in this article."

- **Draft legislation specifically criminalizing the financing of terrorism**

With respect to the specific criminalizing of the financing of terrorism, various draft laws have been submitted to Congress by different legislators. For its part, the Central Bank, with technical assistance from a mission of the World Bank and the International Monetary Fund, has prepared a preliminary draft law. This preliminary draft law was sent to the Joint Commission on Money-Laundering Transactions relating to Drug Trafficking, established by Act No. 24,450, which is composed of various State agencies with competence in the subject, as well as representatives of the Legislative Power and the Office of the Attorney-General. The Joint Commission adopted the preliminary draft law, which was transmitted to the Ministry of Justice and Human Rights for its consideration and opinion.

- **Legislation specifically criminalizing any form of assistance to terrorists or acts of terrorism**

In the fifth report (annex I, p. 6), the Argentine Government pointed out that the characterization of offences in the criminal legislation currently in force in the Republic complies with existing international instruments. The exception is the financing of terrorism, which may be punished under the laws governing criminal participation but is not as yet specifically criminalized, as required by article 2, paragraph 1, of the International Convention for the Suppression of the Financing of Terrorism.

In the light of the foregoing, any collaboration or assistance in the commission of an act of terrorism will be punished in accordance with the laws on criminal participation, in conformity with articles 45 to 49 of the Penal Code.

1.2 The Committee is aware that steps have been taken with a view to legal cooperation in connection with the terrorist attacks on the Asociación Mutual Israelita Argentina (AMIA) as well as the renewal of international arrest warrants for the Iranian citizens who are subjects of the investigation (fifth report, pp. 5-6). The Committee would be grateful for an update on the investigation and legal proceedings concerning the terrorist attack on AMIA.

Concerning the terrorist attack on the Asociación Mutual Israelita Argentina (AMIA), which occurred in Buenos Aires in 1994, the Prosecution Unit established specifically for the purpose in the Office of the Attorney-General of the Nation is continuing its investigation of the case (see fifth report, paragraph 1.1.3., ii, pp. 5-6).

Regarding judicial cooperation, Argentina continues to send letters rogatory to a number of countries, including Brazil, France and Paraguay. Argentina has received total or partial replies from some countries and is awaiting replies from others. For example, Argentina's Embassy in Iran has not yet received that country's replies.

1.3 In the fifth report (p. 6), Argentina states that a number of treaties on extradition and mutual legal assistance are being negotiated with a view to preventing refusals of extradition or legal assistance on the grounds of banking secrecy or where the offence involves fiscal matters. The Committee would appreciate an update on these measures.

In the multilateral or bilateral treaties being negotiated, the Argentine Republic is advocating that extradition or legal assistance should not be refused on the grounds of banking secrecy or where the offence involves fiscal matters.

It should be pointed out that, in the inter-American context, the Argentine Republic has promoted the Draft Model Law on Legal Assistance in Criminal Matters for the Americas in the Organization of American States. That Draft specifically establishes that banking secrecy or the fiscal nature of an offence shall not prevent a foreign State from granting the requested assistance. During discussion of the Draft in the Working Group on Legal Assistance of the Americas, it was accepted by all the representatives of the member States of the Organization and will be submitted to the next Meeting of Ministers of Justice of the Americas (REMJA VII), to take place in 2007, for their approval.

In the bilateral context, mention may be made of, inter alia, drafts that the Argentine Republic is negotiating with Belgium, Greece, Ireland, Korea and Panama. At the same time, regarding treaties currently in force, mention may be made of the Agreement on Assistance in Criminal Matters, signed with Peru (in force since October 2000) regarding inapplicability of banking secrecy, and the Treaty on Mutual Assistance in Criminal Matters, signed with Canada (in force since September 2001) regarding inapplicability of the fiscal nature of an offence.

Along those same lines, the inapplicability of banking secrecy or of the fiscal nature of an offence is, for the Argentine Republic, an essential condition for the conclusion of extradition and mutual legal assistance treaties. There is a proposal to include in some mutual legal assistance treaties being negotiated a formula whereby acts of terrorism, illicit drug trafficking, money-laundering, corruption and transnational organized crime may not be considered "fiscal offences", even if the facts of the case involve fiscal matters.

Counter-terrorism measures

1.4 The Committee notes that Argentina is a party to 12 of the international counter-terrorism instruments, welcomes Argentina's signing of the International Convention for the Suppression of Acts of Nuclear Terrorism and would be pleased to know your Government's plans to become a party to that Convention.

The Ministry of Foreign Affairs, International Trade and Worship has launched a process of consultations with competent State bodies, with a view to the eventual submission of the Convention to Congress for its approval under article 75, paragraph 22, of the Constitution and, subsequently, for ratification.

Criminal proceedings/Investigation techniques

1.5 Is there a witness protection programme in place in Argentina? If so, please provide information on any special features of that programme which apply to cases involving terrorism.

There is a witness protection programme in Argentina under Act No. 25,764, adopted on 23 July 2003. The National Programme for the Protection of Witnesses and Defendants is intended to protect the safety of defendants and witnesses who have cooperated significantly and effectively in a federal judicial inquiry into offences mentioned in articles 142 bis (Abduction) and 170 (Extortionate abduction)

of the Penal Code, and in Acts No. 23,737 (Drugs Act) and No. 25,241 (Reduction of sentences for persons who cooperate in the investigation of acts of terrorism).

Article 1 of Act No. 25,784 stipulates that it: "*Hereby creates the National Programme for the Protection of Witnesses and Defendants, designed to implement measures to protect the safety of defendants and witnesses whose lives or physical safety are endangered because they have rendered significant and effective cooperation in a federal judicial inquiry into offences mentioned in articles 142 bis and 170 of the Argentine Penal Code and the provisions of Acts No. 23,737 and No. 25,241.*

Without prejudice to the above, at the request of the judiciary, the Minister of Justice, Security and Human Rights may, citing reasons, include other cases not covered in the previous paragraph when they relate to offences connected with organized crime or institutional violence and the political and criminal importance and interest of the investigation make such inclusion advisable."

It is necessary to bear in mind, as regards the application of that programme to cases of terrorism, the provisions of article 1 of Act No. 25,241, which provides as follows: "*For the purposes of the present Act, acts of terrorism are criminal acts committed by members of unlawful associations or organizations established for the purpose of creating alarm or fear, which are carried out by means of explosive or inflammable substances, weapons or other deadly items, when used to endanger the life or physical integrity of an indeterminate number of persons.*"

Border controls/Customs

1.6 The Committee notes the measures taken by Argentina in order to secure its borders, as outlined in its first report (pp. 19-21), and the monitoring strategies and methods used by customs to ensure the security of shipments entering and exiting its territory (especially with regard to the movement of firearms), as described in the fourth report (pp. 34-35 and 37-38). To what extent do these strategies and methods take into account the World Customs Organization's Framework of Standards to Secure and Facilitate Global Trade?

The strategies and methods used by the Customs Office for controlling imports and exports are governed by the guidelines recommended by the World Customs Organization. Although intended to promote the free circulation of goods through international supply chains for reliable operators (Authorized Economic Operators), these also use a series of tried and tested risk-analysis tools for detecting high-risk cargo. They include the development of risk-analysis systems, the establishment of information channels with other Customs authorities for exchanging information and the introduction of non-intrusive inspection equipment using radiation detectors for cargo monitoring.

1.7 In addition to border control measures regarding firearms, the Committee would be grateful for information on Argentina's capacity to inspect and, where appropriate, detect, seize and confiscate falsely declared currency, bearer-negotiable instruments and precious metals and stones transported across its borders.

The Customs Office enjoys full powers in a "primary customs zone". The Customs Code (Act No. 22,415) granted full powers to that Office to inspect, seize and confiscate any goods presented for clearance, in the case of physical persons

through rules on border tourism or local frontier traffic and, in the case of transport vehicles, when the goods have not been declared or information on the customs declaration has been omitted or tampered with.

The regime for passengers' luggage has been governed since 2001 by General Resolution No. 1172 of the Federal Administration of Public Revenue (AFIP), which establishes that travellers must declare to the Federal Administration of Public Revenue whether they are carrying cash amounting to over US$ 10,000 or its equivalent in the currency of the Argentine Republic, or in any other foreign currency, in cash or monetary instruments, the latter being any means of payment, or cheques, including travellers' cheques. Should the Customs Office discover that the traveller or crew member has made a false declaration, it shall seize the surplus money and take pre-trial steps with a view to prosecution or prevention, as appropriate.

Likewise, bank transfers are governed by Resolution No. 631.91 of the former National Customs Administration (ANA), which deals with operational and monitoring issues relating to banknotes (paper money), gold of proper fineness, gold coins and/or other securities brought into Argentina by banking and financial institutions and foreign exchange bureaus authorized to operate by the Central Bank of the Argentine Republic. If banknotes (paper money), foreign currency, gold of proper fineness, gold coins and/or other securities are brought into Argentine territory in the luggage of travellers or crew members or by other means, the Customs Office shall inform the National Tax Office and the Financial Intelligence Unit of the operations conducted in this connection.

1.8 The Committee notes Argentina's method of communicating alerts for wanted or suspected terrorists to immigration authorities at various points of entry, as explained in the fourth report (pp. 25-26). Does this method include International Criminal Police Organization (Interpol) information on Red Notices (for arrest) and Blue Notices (for location)? If so, how is this done?

The answer is in the affirmative. In fact, such alerts are circulated through the International Criminal Police Organization (Interpol) I-24/7 system, based on that Organization's intelligence. It feeds into the system, through the respective National Central Bureaus (NCBs), only alerts issued by a court warrant of the competent judicial authority, including those concerning terrorists. Under such a warrant, a document known as an IPCQ is issued and entered into the I-24/7 system, to which all the NCBs that form part of Interpol are connected. Internally, alerts to all national police and security forces and the Department of Immigration are sent out by the Argentine NCB. In this regard, the reply furnished in the report fully answers the Committee's question.

1.9 Does Argentina have a register for reports of lost or stolen personal and travel documents? Does it exchange this information with other States on a regular basis?

This is a global register belonging to Interpol, and reflects the data downloaded by each National Central Bureau, including Argentina. This register can be found on I-24/7, mentioned in the preceding paragraph.

In addition, if an Argentine national applies to an Argentine consular office, for a passport because his or her travel document has been lost or stolen while abroad, the Consul is required to ask the applicant to submit the report in which the

police was informed of the loss or theft of the passport. When the new passport is issued, the consular official transmits via a computerized system (using a special access code) information on the lost or stolen passport, to be entered in a database consulted by Argentine consular offices, and the relevant department of the Ministry of Foreign Affairs, International Trade and Worship (Department of Consular Affairs). Moreover, if the relevant Department of that Ministry receives information about cancelled foreign passports, this information is conveyed to the Argentine immigration authorities (Department of Immigration) and, if necessary, to Argentine consular offices.

1.10 The International Civil Aviation Organization (ICAO) has initiated a Universal Security Audit Programme to audit all Contracting States' compliance with Annex 17 of the Convention on International Civil Aviation. Does Argentina have any difficulties in implementing Annex 17? If so, please explain.

Under Act No. 26.102 (Airport Security Act), promulgated on 16 July 2006, a new security force known as the Airport Security Police (PSA), was established, replacing the disbanded National Aeronautical Police. This new legislation clarifies and raises some issues related to the former duties and responsibilities of the Airport Security Police and the Argentine Air Force. It also provides a time frame for the submission of a code of airport offences that is currently being drafted. Once that code is adopted, it is expected significantly to improve the implementation of the provisions of Annex 17 and corresponding national legislation, for the benefit of aviation safety in Argentina.

The Argentine Republic has informed ICAO in due time and form of discrepancies between the recommended standards and methods envisaged under Annex 17 and national legislation on airline safety. In each case, Argentina has stated the reasons for and nature of such differences, its intentions and/or existing impediments to correcting the shortcomings, and the time period in which they should be resolved.

1.11 Does Argentina intend to make contributions to the ICAO Plan of Action to strengthen aviation security, including through security audits, urgent assistance to States, provision of training courses and of a range of guidance materials, and various other projects?

As the body responsible for aviation safety in the Argentine Republic, the Airport Security Police (PSA) plans to contribute to the ICAO Aviation Security Plan of Action. This intention was stated at the eleventh meeting of the AVSEC Group of the Latin American Civil Aviation Commission (LACAC) and the fifth meeting of the CAR/SAM Regional Planning and Implementation Group (GREPECAS) held in Buenos Aires from 8 to 13 May 2006.

The Argentine Republic is also contributing by providing aviation security training courses at the Centre for Instruction, Training and Experimentation of the Argentine Air Force Regional Command and through the participation of PSA members in working groups of AVSEC, LACAC and the GREPECAS AVSEC/COM.

Immigration controls

1.12 The Committee takes note of Argentina's immigration and nationality laws as explained in the fourth report (pp. 25-30) and would be pleased to know whether Argentina permits legal name changes without prior residency. If so, what measures are taken to verify the identity of applicants?

Within the sphere of competence of the Ministry of the Interior (Department of Immigration), each entry and departure of persons into and from the country is registered in the computerized database of the Department of Immigration, where the name, the number of the passport or identity document, origin or destination, and date of entry or departure are recorded.

1.13. Action taken by the 3+1 Group on Tri-Border Area Security

The activities undertaken in the tri-border area by the "3+1 Group" deserve mention. The Group was formed at the initiative of the Argentine Republic and includes Brazil, Paraguay and the United States. Its main function is to forge cooperation among Customs, immigration and security agencies and to monitor the movement of assets.

Particular attention should be drawn to the Joint Communiqué issued at the conclusion of the most recent plenary session of the "3+1 Group" in Brasilia on 6 December 2005, which stated that, according to currently available information, no operational activities of terrorism had been detected in the tri-border area. If activities that might contribute, even indirectly, to terrorist acts were detected, including financing of terrorism, the delegations pledged to share such information immediately, in order to prevent any possible illicit outcome.

At the most recent meeting of Financial Intelligence Units of the 3+1 Group it was decided to promote the strengthening of border controls, stressing the need for closer cooperation among member countries, and agreed to establish a technical working group to carry out a strategic analysis of trends throughout the region.

2. Implementation of resolution 1624 (2005)

Paragraph 1

2.1 What measures does Argentina have in place to prohibit by law and to prevent incitement to commit a terrorist act or acts? What further steps, if any, are under consideration?

Please refer to the explanation given in the fifth report and reiterated under 1.1 above, to the effect that terrorist acts are punishable in accordance with the various provisions of the Penal Code in force, which cover behaviour required to be criminalized under existing international instruments. Therefore, the offence of incitement may be penalized as aiding and abetting (art. 209), or advocacy of a crime (art. 213), depending on the circumstances.

2.2 What measures does Argentina take to deny safe haven to any persons with respect to whom there is credible and relevant information giving serious reasons for considering that they have been guilty of incitement to commit a terrorist act or acts?

The Argentine Republic is a party to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. In 1985, Decree 464/85 established the Refugee Eligibility Committee (CEPARE), with responsibility for the determination of refugee status, operating under the Ministry of the Interior. This Committee is comprised of three representatives from the Department of Immigration (the directors of immigration, legal affairs and admissions of aliens) and a representative of the Ministry of Foreign Affairs, International Trade and Worship. CEPARE also includes a representative of the Office of the United Nations High Commissioner for Refugees (UNHCR), with a voice but no vote.

CEPARE bases its analysis of applications for refugee status on the 1951 Convention and the UNHCR guidelines on refugee status determination, taking into account the provisions of article 1, section F, of the Convention, which establishes the grounds on which a person may be denied refugee status because he or she is considered undeserving of international protection.

Although article 1, section F, of the Convention does not explicitly refer to terrorist acts, the various grounds for exclusion mentioned are the type of illicit act that usually gives rise to terrorism, and so the members of such organizations are denied refugee status.

It should be noted that, following the UNHCR guidelines on the application of the exclusion clauses, Argentina considers terrorist acts as serious non-political crimes. Therefore, in principle, the grounds for exclusion referred to in article 1, section F (b) (commission of a serious non-political crime) exist in the case of applicants with respect to whom there are serious reasons for considering that they have committed, or have incited the commission of, such acts.

In this context, in compliance with the criteria established by the Convention for the application of the exclusion clauses, in order for these clauses to be invoked, it is sufficient to determine that there are "serious reasons for considering" that one of the acts described has been committed and it is not necessary to formally prove that there had previously been criminal proceedings or sentencing.

Furthermore, as UNHCR does indeed point out in its guidelines on application of the exclusion clauses, the individual responsibility required for exclusion flows from the person having committed or made a substantial contribution to the commission of the criminal act, in the knowledge that his or her act or omission would facilitate the criminal conduct.

Under the procedure for determining refugee status, CEPARE has broad powers to obtain information about asylum-seekers, since national, provincial and municipal authorities are obliged to supply whatever information, advice and/or collaboration CEPARE may request of them.

The CEPARE procedure includes submission of a comprehensive form and an initial interview which establishes inter alia the main features of each case and the events which necessitated departure from the country of origin. The applicant is also requested to supply all relevant evidence in his or her possession and to certify the accuracy of the account. In addition to the initial interview, there is a second and more searching one conducted by specialized personnel of the administrative secretariat of CEPARE.

The case is submitted to CEPARE, which examines and verifies the information contained in the application and cross-checks it against the information provided by the UNHCR regional office. If there are any doubts about the content of an application, CEPARE is empowered to summon the applicant to make a statement in person.

In a similar way, in the case of procedures subsequent to the determination of refugee status the current regulations applied by the immigration authority following the granting of refugee status include a procedure for ascertaining a refugee's criminal record, if any, including any terrorist activities. As part of the administrative process of documentation of aliens, Interpol is required to submit reports on the national and international record of the person concerned; this may result in reconsideration of the granting of refugee status if some of the grounds for exclusion under article 1, section F of the 1951 Convention relating to the Status of Refugees are found to exist. It must be pointed out that requests submitted to Interpol for information about a criminal record do not mention the refugee status of the person concerned, in order to respect the principle of confidentiality.

2.3 How does Argentina cooperate with other States in strengthening the security of its international borders with a view to preventing those guilty of incitement to commit a terrorist act or acts from entering their territory, including by combating fraudulent travel documents and, to the extent attainable, by enhancing terrorist screening and passenger security procedures?

In addition to the measures described in the replies to paragraphs 1.8 and 1.9 (Interpol notices) and 1.10 and 1.11 (ICAO security measures), Argentina, as a member of MERCOSUR, participates in the operations of the "integrated control areas", which involve joint immigration, Customs and health controls in cooperation with the authorities of neighbouring countries. Similar arrangements are in place with Chile and Bolivia.

Argentina is also a member of the Standing Working Group on Terrorism of the Meeting of MERCOSUR Ministers of the Interior, which involves information-sharing on the activities of terrorist organizations or of suspected terrorists. This work has been in progress continuously since 2001, with contributions from all the region's intelligence services and security and police forces, including in the case of Argentina, the Intelligence Secretariat, the National Criminal Intelligence Directorate of the Domestic Security Secretariat, the Gendarmeria Nacional, the Argentine Coast Guard, the Argentine Federal Police and the Airport Security Police.

Also within MERCOSUR, work is in progress to implement the MERCOSUR Security Information Exchange System (SISME), which links the databases of MERCOSUR security bodies. In addition, joint or coordinated operations with the security and police forces of the region are conducted and training courses are also provided in order to enhance capacities for the action that our States must take in combating terrorism.

The occasion of the Meeting of MERCOSUR Ministers of the Interior is used by all the security and police institutions to maintain contacts with their counterparts from Brazil, Paraguay, Uruguay, Venezuela, Chile, Bolivia, Peru and Colombia.

The Domestic Security Secretariat oversees the operations of the Argentine institutions that take part in the Tri-border Tripartite Command, the operational and intelligence coordination centre for the police and security forces of Argentina, Brazil and Paraguay in the Puerto Iguazú/Foz do Iguaçu/Ciudad del Este area. The Joint Coordination Units operating between Argentina and Paraguay, Brazil and Uruguay have the same functions.

The Domestic Security Secretariat also oversees the professional agreements concluded by the Gendarmería Nacional with Carabineros of Chile and the National Police of Bolivia and Paraguay, as well as a standing agreement between the Argentine Coast Guard and the Paraguayan Coast Guard.

Paragraph 3

2.4 What international efforts is Argentina participating in or considering participating in/initiating in order to enhance dialogue and broaden understanding among civilizations in an effort to prevent the indiscriminate targeting of different religions and cultures?

2.5 What steps is Argentina taking to counter incitement of terrorist acts motivated by extremism and intolerance and to prevent subversion of educational, cultural and religious institutions by terrorists and their supporters?

Argentina encourages and promotes the fullest enjoyment of human rights and, in particular, the elimination of all forms of discrimination on grounds of race, religion, ethnic or social origin, or on any other grounds, in accordance with existing international and constitutional standards. In this connection, it should be noted that the following international instruments are fully enshrined in the Constitution, in accordance with article 75, paragraph 22, of the National Constitution: the American Declaration of the Rights and Duties of Man; the Universal Declaration of Human Rights; the American Convention on Human Rights; the International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights, and its Optional Protocol; the Convention on the Prevention and Punishment of the Crime of Genocide; the International Convention on the Elimination of All Forms of Racial Discrimination; and the Convention on the Elimination of All Forms of Discrimination against Women.

We would like to draw attention to the provisions of Act No. 23,592 on the punishment of discriminatory acts, article 1 of which establishes that: "Any person who arbitrarily impedes, obstructs, restricts or in any way impairs the full exercise on an equal footing of the fundamental rights and guarantees recognized in the National Constitution shall be obliged, at the request of the injured party, to undo or desist from the discriminatory conduct in question and to make restitution for the moral or material damage caused". The same article provides that "Particular consideration shall be given to discriminatory acts or omissions on the grounds of race, religion, nationality, ideology, political or trade-union views, sex, economic standing, social status or physical characteristics".

Article 2 of the Act provides for raising "by one third the minimum and by one half the maximum penalty for any offence prohibited under the Penal Code or supplementary legislation where it is committed out of hatred for or as an act of persecution of a race, religion or nationality or with the aim of destroying, wholly or in part, a national, ethnic, racial or religious group".

Article 3 of the Act provides for a term of imprisonment for one month to three years for "those who participate in an organization or engage in propaganda based on ideas or theories of the superiority of a race or a group of persons of a specific religion, ethnic origin or colour, with the purpose of justifying or promoting racial or religious discrimination in any form ... The same penalty shall be imposed on persons who, by whatever means, encourage or incite persecution of or hatred against a person or groups of persons because of their race, religion, nationality or political ideas".

Act No. 24,515 established the National Institute against Discrimination, Xenophobia and Racism (INADI) as a decentralized body under the jurisdiction of the Executive. Article 4 of the Act provides that INADI shall have the mandate to:

"(a) Act as the enforcement body for this Act, ensuring compliance with it and the attainment of its objectives by means of research into the national situation with regard to discrimination, xenophobia and racism and preparation of reports and proposals on those topics;

"(b) Raise awareness of the principles enshrined in Act No. 23,592 and in compatible and supplementary legislation and disseminate the results of studies that it conducts or promotes and proposals that it makes;

"(c) Plan and promote educational campaigns to advance social and cultural pluralism and eliminate discriminatory, xenophobic or racist attitudes and to participate in the implementation of such campaigns;

"(d) Compile and keep updated information on international and foreign legislation relating to discrimination, xenophobia and racism, study such information and prepare comparative reports on it;

"(e) Receive and act as a focal point for complaints of discriminatory, xenophobic or racist conduct and maintain a record of such complaints;

"(f) Establish a compilation of all documents, materials and testimony relating to the objectives of INADI;

"(g) Provide free and comprehensive counselling for individuals or groups that are discriminated against or are victims of xenophobia or racism;

"(h) Provide free legal assistance and, at the request of an interested party, ask to be heard in judicial or administrative proceedings on topics relating to its mandate;

"(i) Provide the Attorney-General's office and the courts with specialized technical advice on matters relating to its area of expertise;

"(j) Keep the public informed about any discriminatory, xenophobic or racist attitudes and behaviour that may occur in any area of national life, particularly with regard to education, health, social welfare and employment, whether on the part of the public authorities, private institutions or individuals;

"(k) Establish prima facie identification of the existence in Argentine territory of persons who, during the Second World War or subsequently, participated in the extermination of peoples or in the killing or persecution of persons or groups of persons on grounds of race, religion, nationality or

political opinion and, where appropriate, report them to the competent authorities;

"(l) Where sufficient evidence exists and in accordance with the provisions of article 43 of the National Constitution, promote and advance the relevant legal and administrative action against the persons covered by the previous paragraph;

"(m) Establish working relationships with national or foreign public or private bodies having similar objectives to those pursued by the Institute;

"(n) Put forward proposals to the relevant authorities concerning the conclusion of new extradition treaties;

"(o) Conclude agreements with public or private, national or international bodies or institutions that will contribute to the achievement of compliance with the objectives pursued by the Institute."

Activities undertaken in cooperation with international organizations and forums include the following:

(a) Task Force for International Cooperation on Holocaust Education, Remembrance, and Research

Argentina has been a full member of the Task Force for International Cooperation on Holocaust Education, Remembrance, and Research (ITF) since 2002 and, as such, has undertaken to abide by the Declaration of the Stockholm International Forum on the Holocaust, of January 2000, and to implement policies and programmes to promote Holocaust education, remembrance and research.

It should be noted that the Government has recently taken further measures in that regard. On 10 February 2006, it adopted Decision No. 202 SER/52/SE/6DH, which involves the participation of three Ministries (education, justice and foreign affairs). Its main objective is to ensure that activities relating to the Holocaust are put on a permanent footing and to consolidate Argentina's active and practical participation in ITF plenary meetings.

The Decision provides for such active participation through the establishment of the Standing Advisory Council, which is made up of government officials and NGOs involved in Holocaust education, remembrance and research.

(b) National Plan against Discrimination, as a follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (Durban 2001)

Following the World Conference against Racial Discrimination, Xenophobia and Related Intolerance, held in 2001, the Government of Argentina, assisted by the United Nations Development Programme (UNDP), decided to draw up a national plan against discrimination, xenophobia and other forms of intolerance with a view to implementing the conclusions of the World Conference.

The Ministry of Foreign Affairs, working in conjunction with INADI and the Human Rights Secretariat of the Ministry of Justice and Human Rights, therefore drew up the National Plan against Discrimination, adopted by National Decree No. 1086/2005 of 8 September 2005, as a follow-up to Argentina's commitments at the World Conference.

This National Plan makes Argentina one of the first countries in the world to have conducted a full and complete diagnostic study on discrimination in its society.

This groundbreaking study received considerable financial support from UNHCR, administered through UNDP. As stated above, the National Plan against Discrimination is the most complete diagnostic study ever conducted on discrimination in Argentine society and contains concrete proposals for eradicating discrimination in our country. Its specific proposals for combating discrimination are expected to have an impact on the development of national policies.

Paragraph 4

2.6 What is Argentina doing to ensure that any measures taken to implement paragraphs 1, 2 and 3 of resolution 1624 (2005) comply with all of its obligations under international law, in particular international human rights law, refugee law and humanitarian law?

The Argentine Republic understands that counter-terrorism measures must be applied within the broader framework of compliance with international human rights law, refugee law and humanitarian law. In this regard, it is essential to guarantee respect for and compliance with international law in the application of counter-terrorism measures. In particular, the following internationally recognized basic human rights must be guaranteed: right to life, right to humane treatment, right to personal liberty and security, right to a fair trial, right to freedom of expression, right to protection against discrimination and right to judicial protection.

As concerns respect for and compliance with international human rights law and international humanitarian law in the fight against terrorism and the adoption and implementation of counter-terrorism measures, the Argentine Republic:

1. Complies with and implements the recommendations, resolutions and decisions of the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights of the Organization of American States, as well as those of United Nations organs created under human rights treaties and the special procedures and mechanisms of the United Nations Human Rights Commission, and will continue to do so within the new United Nations Human Rights Council;

2. Respects and guarantees all human rights without discrimination;

3. Ensures that the machinery of government and the authorities are organized in a manner that legally ensures the full and free exercise of these human rights;

4. Respects and guarantees the principles of the rule of law, representative democracy, authorities' compliance with domestic laws, separation and independence of authorities, and constitutional subordination of all institutions of the State to the legally constituted civil authority;

5. Respects and guarantees the independence and institutional autonomy of courts of law;

6. The Argentine Government does not interfere with the judicial process and complies with the decisions of the courts. Similarly, it has not created extrajudicial bodies to replace the jurisdiction of courts of law.

As for measures designed to maintain legal and practical human rights guarantees in the fight against terrorism, the situation of people living in a foreign

State, including migrant workers, refugees and people fleeing from persecution, who are particularly vulnerable to human rights violations, is of vital importance.

In this context, and with regard to international refugee law, as has already been indicated in relation to paragraph 1 of the resolution, the competent authorities of the Argentine Republic take into account the principal international and regional human rights instruments as well as UNHCR guidelines on international protection, in determining refugee status pursuant to the 1951 Convention.

Thus, the Argentine Republic guarantees the right to seek asylum in the country through fair and effective procedures as well as the right to due process without discrimination.

As noted earlier, the process for determining refugee status in the Argentine Republic is handled by competent officials, who guide the applicant through the process. In our country, there is a clearly identified authority responsible for examining refugee applications and issuing an initial ruling.

Similarly, asylum-seekers are given the appropriate means to present their case to the competent authorities and are informed about the possibility of contacting a representative of UNHCR.

In the event that a refugee application is rejected, the applicant has 10 days to appeal the decision. The appeal is heard by the Interior Ministry, on the recommendation of the Human Rights Secretariat of the Ministry of Justice and Human Rights and, as with all administrative measures, these decisions are subject to judicial review.

Lastly, as indicated above, the Regional Office of UNHCR in Argentina attends meetings of the Refugee Eligibility Committee and advises the Committee on all matters related to the protection of refugees.

3. Assistance and guidance

3.1 The Committee wishes to emphasize once more the importance that it attaches to the provision of assistance and advice in connection with the implementation of the resolutions. The Committee's Directory of Assistance (www.un.org/sc/ctc) is frequently updated to include new relevant information on available assistance. The Committee takes note of the fields of technical assistance requested by Argentina in its fifth report (pp. 15-16) and is pleased to inform Argentina that its requested assistance has been brought to the attention of potential technical assistance providers through the Committee Matrix.

The Argentine Government values and welcomes the Committee's cooperation in forwarding this request for assistance.

3.2 Having considered both the technical assistance requested by Argentina and the technical assistance identified by CTED, the Committee considers the following to be priority areas in which Argentina would benefit from receiving technical assistance for the effective implementation of resolution 1373 (2001):

- **Law enforcement training in the detection and investigation of terrorist financing and money-laundering, including counterfeiting and outbound currency interdiction;**

- **Technical advice with a view to the creation of a consolidated database containing information on suspicious financial transactions and profiles of terrorists and their associates.**

3.3 The Committee would like to receive your country's approval to share the above-mentioned bullet points with donor States and organizations that may be in a position to provide assistance in the above areas (other parts of this letter will not be shared). This would enable the Committee to facilitate the provision of technical assistance. The Committee would appreciate receiving your country's response no later than 30 days from the date of this letter. If your country's response is not received within that period, the Committee will assume that the points could be shared with the donor States and organizations. The actual provision of assistance will naturally be subject to Argentina's request and consent. The Committee would also welcome any comments Argentina may have regarding this section (Section 3 on "assistance and guidance").

The Argentine Government considers the areas proposed by the Committee in point 3.2 for the provision of assistance to be highly useful and relevant, and is pleased to give its approval for the Committee to forward them to donor States and organizations, under the terms outlined in point 3.3.

3.4 Furthermore, the Committee's Directory of Assistance (www.un.org/sc/ctc) is frequently updated to include new relevant information on available assistance. The Committee would appreciate receiving information from Argentina concerning areas where it might be in a position to provide assistance to other States in relation to the implementation of the resolutions.

Please refer to the fifth report (point 2.1.2, page 14) regarding technical assistance in the area of legislation that the Argentine Republic provides in the context of programmes implemented by the United Nations Office on Drugs and Crime (UNODC), together with the Inter-American Committee Against Terrorism of the Organization of American States (CICTE/OAS) and other international organizations.

As part of this assistance programme, a workshop on the prevention of terrorism and its financing took place in Buenos Aires from 29 November to 2 December 2005, organized jointly by UNODC and CICTE/OAS and sponsored by the Ministry of Foreign Affairs, International Trade and Worship. This event was attended by judges, prosecutors and police officers from Argentina, Bolivia, Brazil, Colombia, the Dominican Republic, Ecuador, El Salvador, Guatemala, Mexico, Honduras, Panama and Peru. Magistrates from Spain and Italy also attended as presenters, along with experts from the International Monetary Fund, the South American Financial Action Task Force on Money Laundering (GAFISUD) and the International Criminal Police Organization (Interpol).

In addition, on 9 and 10 February 2006, a regional conference on prevention of the financing of terrorism was held in Buenos Aires. This event, organized by the Central Bank of the Argentine Republic, was sponsored by the International Monetary Fund, the World Bank, the Inter-American Development Bank, the Inter-American Drug Abuse Control Commission, the Inter-American Committee Against Terrorism, the United Nations Counter-Terrorism Committee, GAFISUD, the Board

of Governors of the Federal Reserve System of the United States and other associates of Argentine and foreign financial entities.

Finally, as regards regulatory and control initiatives, one highlight was the internship programme organized in 2005 by the Financial Intelligence Unit.

Conclusion

As regards a comprehensive counter-terrorism strategy, it should be noted that international efforts to suppress the financing of terrorism are particularly important today, since it is essential to deprive terrorists of physical and financial resources. These efforts are arduous and require the adoption of a series of important legislative, administrative and regulatory measures and renewed international cooperation. The Argentine Government reaffirms its firm resolve to implement resolution 1373 (2001) and other relevant resolutions of the Security Council, and reiterates its willingness to cooperate actively with the Committee in all relevant areas to ensure the full application of these international standards.